

**REMARKS**

Claims 1-2, 5-7, 9-13, 15-17, 19-20, 23, and 26-29 are pending in the application. Claims 1-2, 5-7, 9-13, 15-17, 20, 23, 26, and 28-29 have been allowed.

The Office action has objected to the specification for allegedly failing to provide description of the “plunger shaft defining one or more holes.” The undersigned requests reconsideration of this objection as support in the specification and the drawings exists for this language. For one, paragraph 25 of the as-filed application make clear that the shaft 28 has one or more holes in it. If the shaft 28 did not have these holes, the pin 29 would be unable to pass through and lock the assembly together as described in paragraph 25 and elsewhere. Likewise, amended paragraphs 41 and 42 also make clear that the shaft may have one or more holes in it.

The Office action has also objected to the drawings themselves as allegedly “failing to show the plunger defining one or more holes as described in claim 20.” Figures 2 and 3 define and illustrate a pin 29 that may retard the movement of the shaft and the outer housing relative to one another. Thus, the illustration of this removable pin 29 in these figures provides that the outer housing and the shaft must each have an entry orifice and an exit orifice for the pin to travel through and rest within. Without these holes the pin and the entire assembly would not function as described or illustrated. Figure 9 shows a similar configuration in which pin 29 is shown positioned within holes of the inner and outer housings. Consequently, the drawings portray holes in both the shaft and the housings as well.

**35 U.S.C. §102 Rejections**

Claims 19 and 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,573,008 to Robinson. The ‘008 patent is entitled “Multiple Biopsy Sampling Coring Device.”

As to claim 19, the undersigned submits that it is patentable over the ‘008 patent at least because it recites a piercing jaw having “an orifice through one of its surfaces.” Support for this language can be found in Figure 6 and its supporting text. There is no such

orifice in the '008 patent, rather, the cutting elements in the '008 patent are shown throughout as having continuous surfaces that lack holes or orifices.

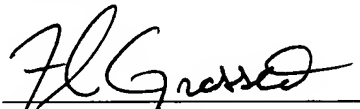
As to claim 27, the undersigned submits that it is patentable over the '008 patent at least because the claim recites a method that includes "deploying an implant at the target site." By comparison, the '008 patent regards a biopsy device that seeks to remove tissue from a patient. For one, the stop 23 of the '008 patent is described throughout as being used to empty the device after the samples have been taken. For at least this reason, the undersigned requests reconsideration of the rejection and allowance of the claim.

### CONCLUSION

In view of the foregoing, the undersigned respectfully submits that the application is in condition for allowance. Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the number given below.

The Office is hereby authorized to charge the fee of \$110.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,



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